

decision were spent to ensure that Defendants would go along with Renwick's and the Appellate Division's corruption and deliberate deceit.

VI. I Made a Motion to Appeal to the Court of Appeals on February 23, 2015

125. A motion was made to the Court of Appeals on February 23, 2015 to reverse this unjust decision. There is no telling what the Court of Appeals may or may not do, even when they see blatant abuse of judicial powers in the lower courts. In the past, they saved me from the lower courts by making the co-op sign a stipulation dropping all counterclaims against me, but they failed to take appropriate action, which would have been to fix the lower courts' decision to make them just and consistent.

126. All of this infliction of emotional distress and financial destruction could have been prevented when the Court of Appeals was presented with the "yes or no" question back in 2010. The question was: does the Seventh Paragraph Footnote convey air rights to my Unit? Instead of answering this "yes or no" question, the Court of Appeals used a different one-word to answer the question: denied. Had the answer been "no," the Court of Appeals would have certainly granted leave to appeal and said "no." But unfortunately, in the New York state courts, justice goes to the highest bidder.

A. There has already been a Suspiciously Long Period Between the Time my Motion to Appeal was Filed and Now

127. This decision should have taken a few minutes. The Court of Appeals has been familiar with this case for years. The Court knows the lower courts acted unjustly which is why they got involved years ago. The Court should have already stayed the sanctions, which they know are entirely unjust, and prevented this added stress.

128. The Court also knows that Sherwood tortiously interfered with my contract because they rights they purchased are the rights the Appellate Division said I had.

Unfortunately, I have very legitimate reasons to fear that this delay is being spent ensuring that named Defendants will continue to dismiss my complaint if they answer my motion with a denial.

129. I repeatedly told Defendants since 2009 that the Supreme Court Justice Marcy Friedman and four Appellate Division, First Department Justices were being corrupt by unlawfully rewriting the description of my apartment. Defendants had a duty to protect my Constitutional right to equal protection before the law and substantive due process.

130. The documentary evidence below proves that I pleaded for years with named Defendants to protect my property rights from being seized by corrupt Justices for the benefit of the more powerful co-op, real estate developers, and title insurance companies – and never once did they admit to seeing any wrongdoing whatsoever or take appropriate action.

VII. The State Commission on Judicial Conduct Engaged in a Pattern and Practice of Deceit and Corruption by Evading All of My Questions, Never Addressing the Issue Put Before It, and Acted with Deliberate Indifference in Ignoring the Evidence I Presented

131. The Commission on Judicial Conduct is “the state agency responsible for investigating complaints of misconduct against judges of the state unified court system and, where appropriate, determining to admonish, censure or remove from office those judges found to have engaged in unethical behavior.” The types of complaints the Commission may investigate include “Bias, prejudice, favoritism and corruption,” and, “If the allegations have merit, the Commission may direct that formal charges be served against the Judge and a formal hearing is held.”

132. Most judges and state agencies I contacted referred me to the Commission on Judicial Conduct as the bureau to which I should direct my complaint. For example, on April 27, 2009, I sent a letter to the following judges: Hon. Jonathan Lippman, Chief Justice of the New York Court of Appeals; Hon. Ann Pfau, Chief Administrative Judge, State of New York Unified Court System; and Hon. Fern A. Fisher

Each of you received a letter from me on April 20, 2009 where I presented proof that Justice Marcy Friedman acted with criminal intent when she gave her July 2, 2008 and March 13, 2009 decision that were filled with information on the record that I proved she knew were false.

As of April 27, 2009, I have not received a response from any of you nor did I receive any answers to the questions that I asked Marcy Friedman to clarify based on her confusing, ambiguous and inconsistent March 13, 2009 reargument ruling.

...
I really need somebody to show the fairness and respect that Justice Friedman lacked by acknowledging my letter and explaining how my changes will be addressed.

133. Only Ann Pfau responded, and only to my prior April 20, 2009 letter; none of the judges responded to my longer follow-up letter. On April 28, 2009, Pfau wrote me:

I am responding to your April 20, 2009 letter and materials provided concerning the decision of Honorable Marcy Friedman in the litigation involving 450 West 31st Owners Corp. Please be advised that allegations of wrongdoing on the part of a judge fall within the independent New York Commission on Judicial Conduct, the body authorized to investigate judicial conduct. If you have evidence of criminality, you should contact the District Attorney's office.

A. April 22, 2009: My First Formal Complaint Before the Commission on Judicial Conduct Unit

134. On April 22, 2009, I filed my first formal complaint with the Commission of Judicial Conduct ("CJC" or "the Commission").

135. My complaint to the Commission included a list of 21 questions and unresolved issues with Justice Friedman's two decisions that I had asked the Supreme Court justice to answer.

136. My complaint gave the Commission numerous examples of deliberate misconduct on the part of Justice Friedman, including the threat she made me on July 1, 2008, and the manner in which she retaliated through her July 2, 2008 and March 13, 2009 decisions, deliberately rewriting the Offering Plan in order to criminally void the rights conveyed through the contract when both plaintiffs and defendants agreed the contract was a conveyance of the exclusive utilization of the premise's permissible development rights.

137. I provided the Commission concrete evidence of corruption and criminal acts by a sitting judge. For example, in a June 30, 2009 letter:

Although the Court of Appeals has determined that removal was warranted for a single instance of "deliberately deceptive conduct," I have given the Commission over a dozen examples proving that Justice Marcy Friedman acted with "deliberately deceptive conduct."

It is impossible that the Court could not see how the footnote allows me to add floor area to the premises by utilizing any available permissible rights.

I have provided the Commission with a mountain of evidence that the court acted with shameful bias and delivered decisions that became crueler each time she ruled.

138. Under New York, only one instance of misconduct is necessary to remove a judge: The Court of Appeals has determined that removal was warranted for a single instance of "deliberately deceptive conduct," since such behavior is "antithetical to the role of a judge who is sworn to uphold the law and seek the truth," *Matter of Heburn*, 84 NY2d 168, 171 (1994). The matter I brought to the Commission was far worse than a judge's behavior being "antithetical" to their role. This was blatant, deliberate criminal corruption on the part of Justice Friedman.

B. On September 2, 2009, The Commission on Judicial Conduct Wrote Informing Me They had Dismissed the Complaint

The State Commission on Judicial Conduct has reviewed your letter of complaint dated [sic] April 22, 2009. The Commission has asked me to advise you that it has dismissed the complaint.

Upon careful consideration, the Commission has concluded that there was insufficient indication of judicial misconduct to justify judicial discipline. The Commission is not a court of law and does not have appellate authority to change a judge's decision or to review the merits of matters within a judge's discretion, such as the rulings in a particular case. *Judges by law have broad discretion in such matters, and the law precludes the Commission from interfering in that direction.*

The Commission cannot provide legal advice or otherwise assist you with respect to your case. Only an attorney can advise you as to your legal rights and the remedies available in a court of law.

a. The Commission Members Along with Chief Administrator and Counsel Robert H. Tembeckjian Knew They Were Being Corrupt

139. Judges do not have the discretion to commit crimes, or to engage in Case Fixing, or to ignore unimpeached expert testimony, or to rewrite contracts they themselves rule are unambiguous, or be part of a conspiracy to defraud a shareholder of his rights under a proprietary lease, or to unlawfully seize the most valuable asset under a contract, or to favor one party over another based on ethnic or religious affiliation.

140. Justice Friedman deliberately rewrote the description of my commercial cooperative unit in order to deprive it of its most valuable asset after having threatened me with doing just that if I did not accept a much lower offer to waive my rights. This constitutes criminal action committed under color of state law by the judiciary – precisely the sorts of crimes the Commission on Judicial Conduct was instituted to investigate and prosecute.

C. At the Start of the Litigation with Sherwood Equities and the Co-op, I Put the Commission on Judicial Conduct on Notice to Follow the Cases and Monitor for Further Corruption

141. In my December 17, 2013 Letter to the Commission on Judicial Conduct and Moreland Commission, I first demanded that the Commission Members explain by what legal reasoning or authority did the judges of the State of New York rewrite an unambiguous contract voiding my rights, and the obvious conflict of interest in Justice Acosta sitting on the Commission as he was one of the First Department judges who unlawfully rewrote the Offering Plan:

Justice Acosta and the other Justices from the First Department were also told that *the question of whether the sale of the premises development rights would violate my unit's rights was never addressed in the 9 times this case was before a total of 17 Justices in this state*. All 17 judges, including the Justices from the Court of Appeals dodged answering the question of whether "the sale of the premises development rights would violate my unit's rights" even though that was the express issue that I needed the Courts to answer in the first place. They dodged this question because the answer is Yes, the sale of the premises development rights would violate the rights conveyed to and reserved for my Unit.

Justice Acosta and the other Justices knew they had no legal authority to rewrite the seventh paragraph footnote to the schedule of units to strip my Unit of the minimum...

D. On April 23, 2014, I contacted the Commission on Judicial Conduct with case numbers, and demanded that they keep an eye on these cases, as the stakes were huge and there had already been a pattern of judicial misconduct

I am demanding that this time the Commission act fairly, honestly and openly. Back in 2009, I filed a complaint that was limited to Justice Marcy Friedman, which led to a much bigger scandal after the Commission failed to acknowledge any wrongdoing on the part of Justice Friedman.

In the present complaint, I again presented overwhelming evidence of wrongdoing by Justice Friedman and four First Department Appellate Division justices. Shortly after this Commission absolved Justice Friedman of any wrongdoing in the Fall of 2009, the four justices of the First Department Appellate Division, including Commission member Hon. Roland T. Acosta, and Justice Diane T. Renwick, wife of Bronx District Attorney Robert Johnson, retaliated by rewriting the description of my unit in a commercial co-op so that it would no longer include the right to have the utilization of the 190,000 square feet of development rights that were given to the premises as part of the Hudson Yards rezoning in 2005.

This Commission is appointed by some of the most distinguished officials in the state, including the governor, and the Commission is charged with reviewing the conduct of the individuals hired to be justices in the state of New York. In other words, it is charged with ensuring there is no corruption or dishonesty on the part of these individuals. Yet, when faced with evidence of judicial misconduct and criminal activity, the Commission has dragged its feet and has failed to keep me abreast as to the status of my complaint. ***This conduct, while routine by this Commission, is unacceptable: judges cannot simply rewrite the description of my unit from how it was described and promised in the Offering Plan so as to deprive me of \$80,000,000 worth of development rights that were appurtenant to my unit.***

It is unacceptable for the Commission to simply say they will get back to me after the completion of its own investigation.

The Commission must ask these Justices, in a fair and open proceeding, why they took out the words "to the extent that may from time to time be permitted under applicable law," and replaced them with the words "that can be built without the use of the premise's development rights." In other words, why they rewrote an unambiguous contract. This was done with evil and criminal intent to void the very rights given to my unit by the seventh paragraph footnote to the Schedule of Units. I should have the right to be present when the Commission asks the Justices to explain their actions.

In the ongoing litigation before Justice Kornreich, cases no. 157779/2013 and 654226/2013, I have asked the Court to recuse itself from the latter case due to the judge's overt partiality in favor of Sherwood Equities, McCourt Partners and Chicago Title Co. at the March 18, 2014 hearing. ***The Commission must keep its eyes on the ongoing litigation to ensure there is no further retaliation and other judicial misconduct.***

E. The Commission on Judicial Conduct and its Attorneys Make Another Corrupt Decision on May 6, 2014

142. In reply to my numerous queries and letters, the Commission on Judicial Conduct replied on May 6, 2014 with a letter dismissing my complaint.

File Nos. 2013/N-0955-0960

The State Commission on Judicial Conduct has reviewed your letter of complaint dated December 17, 2013, and your subsequent correspondence. The Commission has asked me to advise you that it has dismissed the complaint.

Upon careful consideration, the Commission concluded that there was insufficient indication of judicial misconduct to justify judicial discipline. The Commission is not a

court of law and does not have the authority to change a judge's decision or to review the merits of matters within a judge's discretion, such as the rulings in a particular case.

F. My 2015 Complaint to the Commission on Judicial Conduct Was Ignored

143. Following the January 22, 2015 Appellate Division outrage, I filed another complaint with the Commission on Judicial Conduct, again showing them the continuation of the corruption I have been subjected to. I provided the Commission with a detailed account of what occurred with the Appellate Division and the criminal acts of Justices who returned the one-word decision without any explanation.

144. On March 24, 2015 the Commission replied with another version of the exact same answer they have given since this started, namely that they see no wrongdoing and that the additional information I provided does not show judicial wrongdoing.

G. The Commission on Judicial Conduct Engaged in a Pattern and Practice of Deliberate Indifference to the Violation of my Constitutional Rights

145. The Commission's pattern of corruption was to dance around the question and to never address the actual rewriting of the contract. I specifically asked them by what legal authority or rationale did the Justices of New York feel entitled to rewrite an unambiguous contract in order to deliberately and with criminal intent void the rights conveyed in the contract. Rather than address the question that proves the judges' corruption, the Commission evaded the whole issue by vaguely referring to judicial misconduct.

146. The Commission conducts its affairs in complete secrecy, without a hint of transparency or oversight. The CJC refused to waive its procedural secrecy when I requested a public hearing in which the judges would be asked by what legal authority they rewrote the contract.

VIII. The Manhattan District Attorney Cyrus Vance and His Office Were Accomplices in the Conspiracy to Defraud me of My Rights and for the Violation of my Constitutional Rights

147. The District Attorney engaged in a pattern of depraved and deliberate indifference when confronted with clear evidence of criminal conduct and judicial wrongdoing. The District Attorney is charged with supervising criminal prosecutions of unlawful activity, whether committed by common criminals, elected officials or justices of the city's courts. When confronted with clear evidence of the criminal seizure of the most valuable asset of my Offering Plan with the Co-op – the exclusive right to the utilization of the premise's permissible development rights, the District Attorney ensured no investigation would take place, and no attorney from his vast staff would ask the judges by what legal authority they rewrote the description of my co-op Unit.

148. Justice Dianne Renwick of the Appellate Division, First Department is married to Bronx District Attorney Robert Johnson. Justice Renwick was one of the judges who unlawfully rewrote the description of my unit and defrauded me of millions of dollars worth of air rights. Robert Johnson sits on the Commission on Judicial Conduct, the agency that refused to find any wrongdoing in Justice Friedman's actions. The Manhattan DA would have known this. Their failure to take action in the face of such corruption makes them accomplices in this cover-up.

A. On December 14, 2010, I wrote the Manhattan District Attorney informing them of the corruption and criminal behavior of Justice Friedman and the Appellate Division judges

Is there one single attorney in the District Attorney's office that feels that the Supreme Court's Justice Friedman or the four Appellate Justices believed their decision was true?

If the answer is no, then this office must investigate this crime.

Is there one single attorney in the District Attorney's office that feels that believes the courts did not know that they were doing wrong and deliberately abused their powers

when they rewrote the description of my unit to make the rights given to my Unit valueless?

...

The case is very wrong and it does not take a rocket scientist to see that these justices knew what they were doing was wrong.

The justices knew that they had no right adding limiting language to a contract that described my unit. In my case, the Courts deliberately added a whole phrase to the end of the Seventh paragraph Footnote to the Schedule of Units so that the development rights that I paid millions of dollars could be taken from me by the co-op corporation.

B. In what became a pattern, Archana Rao, Assistant District Attorney, Deputy Bureau Chief, Special Prosecutions Bureau, directed me to the Commission on Judicial Conduct

January 11, 2011

This letter is in response to the complaint you filed with the District Attorney's office on November 16, 2010 concerning Extell Development Company and Justice Marcy Friedman. Thank you for bringing this matter to our attention.

We have carefully reviewed the information you provided and have determined that we will not be initiating a criminal investigation at this time. Given all the facts and circumstances, we feel this matter would be best resolved through civil channels.

With respect to Justice Marcy Friedman, you may wish to file a complaint with the New York State Commission on Judicial Conduct which handles matters and complaints against judges of the state unified court system. You can contact the New York State Commission on Judicial Conduct at 61 Broadway, Suite 1200, New York, NY 10006.

We will keep your complaint on file and hope it can be resolved to your satisfaction.

C. On March 5, 2012, I Contacted the Manhattan District Attorney, Public Integrity Unit

149. I again wrote to Archana Rao of the Special Prosecution Bureau on March 5, 2012 in response to her dismissive reply of my complaint reporting criminal wrongdoing by the judges subject to the jurisdiction of the District Attorney's Office :

Your letter in response was disappointing on a number of levels starting with the fact that you did not even get the name of the judge correct. The name of the judge was Marcy Friedman, not Mary Friedman.